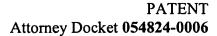
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| | vork Reduction Act of 1995, no | U.S o persons are required to respond to a c Application Number | . Patent and Tr collection of info | ademark Office; Lormation unless it | | | |
| | | | 06/700,165 | 06/700,165 (USP 4,911,932) | | | |
| | NSMITTAL | Filing Date | February 1 | February 11, 1985 (Granted March 27, 1990) | | | |
| | FORM | First Named Inventor | Charles E. | aries E. Clum | | | |
| | | Art Unit | | | | | |
| (to be used for all c | orrespondence after initial filin | Examiner Name | | | | | |
| Total Number of Pages in This Submission 4 | | 4 Attorney Docket Number | 054824-00 | 054824-0006 | | | |
| ENCLOSURES (Check all that apply) | | | | | | | |
| Fee Transmit | ttal Form [| Drawing(s) Licensing-related Papers | | Appea | Illowance Communication to TC I Communication to Board eals and Interferences | | |
| Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts | | Change of Correspondence Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on C Remarks Request for a Third Interim Exten | Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on CD | | Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below): See Remarks See Remarks Tent Term Pursuant to 35 USC 156 (e)(2) and 37 and Request for Extension of Patent Term; | | |
| | SIGNATI | JRE OF APPLICANT, ATTO | DRNEY O | PACENT | | | |
| Firm Name Mo | organ, Lewis & Bockius LLI | • | 51(1121, 0 | N A OLIVI | | | |
| Signature | Deal on | ······································ | | | | | |
| Printed name Gregory T. Lowen | | | | | | | |
| Date February 23, 2009 | | | Reg. No. 46,882 | | | | |
| CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with | | | | | | | |
| sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature | | | | | | | |
| Typed or printed name | | | | Date | | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re United | States Patent No. 4,911,932 |) | |
|---------------|----------------------------------|---------|-------------------|
| Granted: | March 27, 1990 |) | |
| Patentees: | Charles E. CLUM et al. |) | |
| Assignee: | Johnson and Johnson Consumer |) | |
| | Companies, Inc. |) | |
| FOR: SK | IN CARE COMPOSITIONS |) | |
| Commission | er for Patents | Date: | February 23, 2009 |
| U.S. Patent a | nd Trademark Office | • | • |
| Customer Se | rvice Window Mail Stop Hatch-Wax | man PTE | |
| Randolph Bu | ilding | | |
| 401 Dulany S | Street | | |
| Alexandria 3 | VA 22314 | • | |

REQUEST FOR A <u>THIRD</u> INTERIM EXTENSION OF PATENT TERM PURSUANT TO 35 U.S.C. § 156(e)(2) AND 37 C.F.R. 1.760 DURING PENDENCY OF PREVIOUSLY FILED REQUEST FOR EXTENSION OF PATENT TERM

Sir:

Applicant hereby requests a <u>third</u> interim extension of the term of subject U.S. Patent 4,911,932 during the pendency of the previously filed Request For Extension Of Patent Term, pursuant to 35 U.S.C. § 156(e)(2) and 37 CFR § 1.760.

A formal application for extension of the term of U.S. Patent 4,911,932, in full compliance with 37 CFR § 1.740, was filed on April 5, 2006. The Patent Office advised in late 2006 that the final determination and grant of the extension would not occur before the expiration of the original term of the subject patent on March 27, 2007. Therefore, a first request for interim extension was filed on December 19, 2006 and an Order Granting Interim Extension was subsequently issued on March 20, 2007, granting an interim extension for the subject patent until March 27, 2008.

The Patent Office similarly advised in late 2007 that the final determination and grant of the extension would not occur before the expiration of the existing interim extension on March 27, 2008. Therefore, a second request for interim extension was filed on November 26, 2007 and an Order Granting Interim Extension was subsequently issued on March 20, 2008, granting an interim extension for the subject patent until March 27, 2009.

On July 9, 2008, the Patent Office issued Order to Show Cause under 37 C.F.R.

1.750 which challenged the eligibility of the subject patent for patent term extension for the reasons provided therein. On September 8, 2008, the undersigned timely filed a response to the Order which provided arguments supporting the eligibility of the subject patent for patent term extension. Because the PAIR database indicates that a final decision regarding the eligibility of the subject patent has not yet issued, and in view of the approaching second interim extension expiration date of March 27, 2009, a request is being made for a third interim extension of patent term of up to one year, or until a final determination is made regarding the eligibility of the subject patent for extension of patent term, if earlier. This request is being timely filed more than one month prior to the expiration of the second interim extension.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 50-0310.

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Please address all inquiries and correspondence relating to this application for patent term extension to:

> Gregory T. Lowen Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, N.W. Washington, D.C. 20004

Telephone: 202-739-5915 Facsimile: 202-739-3001

> Respectfully Submitted, Morgan, Lewis & Bockius LLP

Date: February 23, 2009

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By:

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